SUMMARY

2003 NOAA FISHERIES CONSTITUENT SESSIONS

Western Pacific Region

ACKNOWLEDGEMENTS

Many individuals are responsible for making the 2003 Constituent Sessions for the Western Pacific region a success. To acknowledge the contributions of each of these individuals by name is not possible because so many people and organizations assisted in this endeavor. We especially thank the participants for sharing their views during the sessions. Without their participation, the constituent sessions would not have been successful.

We thank the National Marine Fisheries Service (NOAA Fisheries) for all their support, both financial and in-kind. It is gratifying to be part of a process in which a federal agency actively seeks its constituents' opinions on important issues. Dr. William Hogarth, Assistant Administrator for NOAA Fisheries, participated in each of the constituent's sessions. Without his participation, the process would not have been so well received.

Finally, we thank the Pacific States Fishery Management Commission for selecting MerrellKatsouros LLP to help with the 2003 Constituent Sessions. We have learned a great deal from listening to the fisheries stakeholders and we hope that knowledge is reflected in our reports.

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MerrellKatsouros LLP is a registered limited liability partnership in the Commonwealth of Virginia. Mary Hope Katsouros, Esq. and William Merrell, PhD, founded the MerrellKatsouros Partnership in June of 2002. The Partnership focuses on developing policies that balance the use and conservation of our ocean and coastal resources. The Partnership also provides public education on marine resource issues. Core competencies at MerrellKatsouros LLP include the abilities to understand complex interactions of human systems with natural systems at local, regional and national scales and to apply these understandings to the design of governance principles and management systems. MerrellKatsouros LLP personnel are recognized experts in formulating strategic approaches to issues and in designing specific solutions to critical issues by taking a vision or concept to goal statements, then to definitive objectives, and finally to performance measures.

Mary Hope Katsouros and William J. Merrell of MerrellKatsouros LLP prepared this report as part of the requirements of their Contract with the Pacific States Marine Fisheries Commission. The series of reports produced under this contract reflect the views and interpretation of MerrellKatsouros LLP and not those of the National Marine Fisheries Service or the Pacific States Marine Fisheries Commission. MerrellKatsouros LLP is solely responsible for the report and its contents.

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CHAPTER 1 THE PROJECT

1.1 Origin and Description of the Project

Present-day laws, policies, and paradigms encompassing management of U.S. Marine Fisheries can be traced back to the recommendations of a 1969 report, *Our Nation and the Sea*, by the Commission on Marine Science, Engineering, and Resources (Stratton Commission). The recommendations of the Stratton Commission led to the creation of the National Oceanic and Atmospheric Administration (NOAA) in 1970 and the transfer into this new agency of the National Marine Fisheries Service (NOAA Fisheries), then the Bureau of Commercial Fisheries.

The Stratton Commission also laid the groundwork for the passage of the Fishery Conservation and Management Act of 1976. A principal feature of the Act was the creation of eight (8) regional Fishery Management Councils that represented a decentralized, participatory system with significant stakeholder involvement in fisheries conservation and allocation decisions. Over the years, the eight councils have evolved individually and exhibit significant differences with respect to policies, practices, and levels of public participation and access.

Most stakeholders believe that the present system of fishery management needs improvement, but they are unsure about the nature of the problem, the type of change required, the possible options, and how best to measure progress.

As the diverse interests of marine resource stakeholders increasingly diverge, and as the political resolve to reshape existing legal and regulatory processes grows, there is a critical need for a systematic evaluation of fisheries management and the process of public participation in that management. To generate information important to the pending reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA, P.L. 94-265), Congress and the National Marine Fisheries Service are working to better understand ways for the United States to fulfill its responsibilities in marine stewardship. Recent and ongoing evaluation efforts include: the U.S. Commission on Ocean Policy, Congressional hearings on Magnuson-Stevens Act reauthorization, and a number of Congressionally mandated studies (key works: National Academy of Public Administration, Court, Congress and Constituencies: Managing <u>Fisheries by Default</u>; National Academy of Science, <u>Science and Its Role in the National</u> Marine Fisheries Service; Marine Fisheries Advisory Committee, A Perspective on the National Marine Fisheries Service: Issues and Recommendations); and National Academy of Public Administration (Kammer Report), An Independent Assessment of the Resource Requirement for the National Marine Fisheries Service.

A key recommendation of the Kammer Report is that "The (NOAA Fisheries) Assistant Administrator design and implement processes for developing and evaluating its programs and updating its policies that involve constituents and partners where these groups or individuals have expertise and/or will be affected." This project is a response to that recommendation.

1.2 How the Project was Conducted

NOAA Fisheries, working with the Pacific States Fisheries Management

Commission, contracted with MerrellKatsouros LLP to schedule a series of regional

constituent sessions and to evaluate constituent's e-mail communications. The purpose

of the sessions was to gather public input on ways to improve the effectiveness of NOAA

Fisheries and its management of living marine resources.

The regional sessions were a collaborative effort that involved all major marine fisheries interests. The primary objective was to assemble and analyze the diverse opinions, attitudes, and perspectives of marine resource stakeholders as they relate to the broad themes of U.S. fisheries management. A secondary objective was to identify possible performance measures.

The meetings were announced in the *Federal Register*, on the NOAA Fisheries web page, and on the web page of each of the regional Fishery Management Councils. In addition, stakeholders unable to participate at the regional sessions were encouraged to use the E-Comments pilot program to share their views. The following questions were developed to assist stakeholders:

- 1. What are the most important issue facing fisheries in your region?
- 2. Who has responsibility over this issue? If unclear or uncertain, who should be in charge?
- 3. Does the solution require (a) no change to the present administrative or statutory structure; (b) administrative changes, and if so what would you propose; or (c) statutory changes, and if so, what would they be?
- 4. How could one measure if the solution is being properly implemented and working?
- 5. Briefly describe the best way to keep you informed about changes within NOAA Fisheries and fisheries management?

The constituent sessions for the Western Pacific region were held in conjunction with the Western Pacific Fishery Management Council. The Council graciously arranged and announced the constituent sessions which were held on June 10-11, 2003, in

Honolulu, Hawaii. One hundred and twenty-five stakeholders participated in the sessions. Twenty-four of the stakeholders made statements. In addition, seven e-mail messages were received that commented on fisheries management in the region.

At the beginning of the each session, Dr. William Hogarth presented his views on the status of U.S. Marine Fisheries. Dr. Hogarth's presentation is summarized in Chapter 2, and a copy of his visual aids is available in Appendix 2. There was also a discussion about the region's fisheries led by Dr. Hogarth and, in the case of the Western Pacific Fishery Management Council, the acting administrator of the newly formed region. Chapter 3 provides an overview of the Regional Council, the fisheries under its management, and important topics now being considered. After the presentations, the stakeholders presented their views. A summary of the stakeholders' comments is contained in Chapter 4.

CHAPTER 2

U.S. MARINE FISHERIES – PRESENTATION BY DR. WILLIAM HOGARTH

This chapter contains a summary of the national status of U.S. Marine Fisheries presented at the regional constituent sessions by the Assistant Administrator for NOAA Fisheries, Dr. William Hogarth. Appendix 2 contains Dr. Hogarth's slides.

The following are excerpts from Dr. Hogarth's opening remarks:

... We do have great fisheries in this country. We know that management works, and it's just a matter of working together.

... We're responsible and you're responsible for managing around 952 stocks, of those, 259 of them are considered major, and some are considered minor stocks. When we say minor, the only reason is because we look at it from a standpoint of landings, because we have to give Congress a report. Each year we give Congress a report on major and minor stocks.

Twenty species have come off the overfished list in the last five years, and 25 fish stocks have come off the overfishing list. We still have 86 overfished stocks, but about 70 of

those already have rebuilding plans in place. We implemented a schedule to have all 86 stocks with rebuilding plans no later than 2005 [two of them in 2005, the rest (84) of them will probably be in 2004)]. We added seven species last year and we took six off. So it goes back and forth when you manage a stock for conservation and use.

If you look at the commercial fishery in the U.S., we land about 9.5 billion pounds in the U.S. and we're the world's fourth largest fishing nation. These fish have value at dockside of about 3.2 billion dollars. We import about 18.5 billion dollars in fishery products and we export only 11.8. So, we have a deficit in fisheries related trade.

... U.S. Citizens consumed about 14.8 pounds per person in 2001 and last year shrimp was the number one crop in the U.S. It overtook tuna.

... We are importing between 60 and 70 percent of all the seafood we utilize in this country, and we're importing about 88 percent of all the shrimp utilized in the U.S. We import shrimp from 33 countries. We do not currently have the standards on antibiotics in this country that other countries have. We are getting quite a few shrimp imported into the U.S. and, in turn, that has really flooded the market. The imports are really becoming a problem for our fisheries and we need to look at how we can help in this effort. I think aquaculture from foreign countries is

producing very inexpensive products. A lot of money is being invested.

We don't do much in this country with aquaculture. We are in the process now of trying to determine the role of NOAA Fisheries and how we should be doing aquaculture.

...The recreational fishing industry has over 17 million people that fish. They make 65 to 70 million fishing trips per year. They land about 135,000 metric tons...

... Over 17 million Americans participated in recreational fishing in 2002, totaling over 65 million fishing trips and supporting almost 350,000 jobs with an economic impact of more than \$30 billion.

...The economic value of the commercial fishery is also around 28 to 29 billion dollars. Therefore, we're dealing with a total fishery worth close to 60 billion dollars in gross national product. If you look at management of overfished stocks and opportunities, that could be increased at least 15 to 20 percent. So, we have our work cut out for us.

We have about 349,000 jobs supported by the recreational industry. Factoring in personal incomes and related expenditures, it really gets to be very big business.

The top ranking recreational fishing state, of course, is Florida. California follows in second place. If Texas provided data, Texas would be ranked number three.

Excerpts from Dr. Hogarth's slide presentation follow:

THE STATE OF U.S. MARINE FISHERIES IS IMPROVING

... The State of U.S. Marine Fisheries is improving. We have been making steady, incremental, progress in improving the nation's marine fisheries.

- Status of Stocks: 932 federally managed stocks
- 259 major stocks account for 99.9 percent of total landings, the rest (672) are considered minor stocks
- 695 stocks have unknown status
- 86 stocks still listed as overfished, but we continue our commitment to rebuilding

LET ME TELL YOU WHY:

I think we are improving. In the last five years, we have reduced the number of stocks from both the overfished and overfishing categories:

- $Overfished 20 \ removed, 7 \ added = +13$
- Overfishing -26 removed, 12 added =+14
- 70 rebuilding plans have been adopted

MY PRESENTATION WILL FOCUS ON:

- Value of U.S. Marine Fisheries: Commercial statistics,
 Recreational Statistics, and Import/Export Statistics
- How the Region is Doing
- Challenges and Goals

VALUE OF U.S. MARINE FISHERIES U.S. RECREATIONAL FISHERY STATISTICS

- Over 17 million participants
- Over 65 million fishing trips per year
- Over 135 thousand metric tons landed per year
- Economic impact of more than \$30 billion

• More than 349,000 jobs supported

Ecosystem-based management affects the recreational industry quite a bit in that one needs to look at Marine Protected Areas or other things that may protect fish. If you look at Number 3 of my goals, where it says stabilize for maximum economic benefit, I think that recreational is part of the maximum economic benefit. The big issue in the future is the allocation between commercial and recreational because the recreational industry is growing.

MY TEN GOALS

- 1. Review National Standard 1 Guidelines
- 2. Explore Ecosystem-based management
- 3. Stabilize fisheries for maximum economic benefit and improve rebuilding plans
- 4. Increase communication and cooperative research with industry
- 5. Promote U.S. seafood
- 6. Incorporate ocean observing system

- 7. Minimize bycatch and develop new gear technology
- 8. Develop pilot projects in aquaculture
- 9. Improve timeliness and responsiveness in management
- 10. Export gear technology internationally to help recover endangered species

We have made great progress in management. There are a lot of success stories, but we still have a lot of work to do. We need to make sure that we take credit for what has been done and we should be dedicated to improving management.

Summer flounder is coming off the overfished list. The surfclam and ocean quahog are no longer classified as overfished. Squid and butterfish are no longer overfished. Salmon runs this year are very high.

The listing criteria for the Endangered Species list, the Jeopardy Standard, and Essential Fish Habitat are all issues that must be covered. The Council is required to designate Essential Fish Habitat for all of these 952 species for four life stages.

We need to be timelier and more responsive. I don't know if we can do anything with that before Magnuson is reauthorized, which will probably be in about a year.

We are trying to beef up our Constituent Services in NOAA Fisheries.

My [Hogarth's] job, and people might disagree with me, but the job I took is to manage these fisheries for maximum economic benefit to the country. And that means that you are going to have stocks that will be reduced to probably 50 to 60 percent of their natural levels. I feel pretty confident that cooperative research is an excellent way to make progress.

We need to do a better job of promoting seafood in the U.S. Just because a stock is overfished, does not mean it should not be utilized by the American public if a rebuilding plan is in place.

CHAPTER 3

THE WESTERN PACIFIC REGION

3.1 The Council

The Western Pacific Fishery Management Council (WPFMC) is one of eight regional fishery management councils established by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The WPFMC manages fisheries in federal waters off the coasts of the state of Hawaii; territories of American Samoa and Guam; commonwealth of the Northern Mariana Islands; and U.S. remote islands possessions in the central Pacific. The WPFMC is composed of 16 members (13 voting and 3 non-voting), half of which are appointed by the U.S. Secretary of Commerce. Nine of the voting members generally represent fishing-related community interests in the region. The other Council members are designated federal fisheries officials (NOAA Fisheries, U.S. Fish and Wildlife Service, U.S. State Department, and U.S. Coast Guard) or represent U.S. Pacific islands marine resource agencies in American Samoa, Guam, Hawaii, and Northern Mariana Islands.

There are more than 500 stocks under the management purview of the WPFMC.

Of these, only the armorhead seamount groundfish stock is overfished. The seamount

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groundfish fishery in the far reaches of the Northwestern Hawaiian Islands has been closed since 1986, and likely will remain closed in the foreseeable future due to lack of recovery. The western Pacific bigeye tuna stock, a highly migratory and trans-boundary species, may be approaching an overfishing condition.

In 2002, the port of Honolulu, Hawaii, the highest producing in the region, ranked 12th of the U.S. ports. That year, 24 million pounds of fish were landed by domestic commercial fisheries with a value of more than \$40 million.

The main task of the WPFMC is to develop fishery management plans to protect fishery resources in the region while maintaining opportunities for domestic fisheries a sustainable levels of effort and yield. In collaboration with NOAA Fisheries, the Council monitors the fisheries within the region and modifies its fishery management plans as needed. If approved by the U.S. Secretary of Commerce, fishery management plans and their amendments are implemented by NOAA Fisheries. Fishery regulations are enforced jointly by NOAA Fisheries, U.S. Coast Guard and deputized u.S. Pacific island state, territorial and commonwealth agents. The WPFMC encourages cooperative fishery management among the island and distant-water fishing nations throughout the Pacific.

3.2 Fishery Management Plans (FMPs) for the Region

Presently, the Council is responsible for five fishery management plans. The plans are:

1. Fishery Management Plan for Bottomfish and Seamount Goundfish

The Bottomfish and Seamount Groundfish Fishery Management Plan regulates fishing for bottomfish and seamount groundfish species in the waters of the Western Pacific region. Bottomfish are tied to benthic habitat and subject to localized depletion in populous areas such as Hawaii. The Northwestern Hawaiian Islands bottomfish resources remain healthy.

As stated earlier, Armorhead is the only bottomfish species classified as overfished under the Council's management. The species aggregates along the Emperor Seamount chain north of the federal waters around Hawaii, mostly in international waters.

2. Fishery Management Plan for Coral Reef Ecosystems

The Coral Reef Ecosystems Fishery Management Plan regulates fishing for coral reef associated species in the waters of the Western Pacific region. It is the first of its kind in the United States.

The Coral Reef Ecosystem FMP designates all waters and habitat at depths from the sea surface to 50 fathoms extending form the shoreline to the outer boundary of federal waters.

3. Fishery Management Plan for Crustaceans

The Crustaceans Fishery Management Plan regulates fishing for crustacean species in the waters of the Western Pacific region.

The Crustaceans Plan designated waters from up to 200 meters deep as Essential Fish Habitat (EFH), and banks in the Northwestern Hawaiian Islands with summits lower than 30 meters as Habitat Areas of Particular Concern (HAPC) because they support successful recruitment of juvenile spiny lobster.

4. Fishery Management Plan for Pelagics

The Pelagics Fishery Management Plan implemented in 1987, regulates fishing for pelagic species in the waters of the Western Pacific region. The Pelagics FMP manages Federal fisheries in the U.S. EEZ in the context of a complex set of marine boundaries and various authorities with jurisdiction over activity in the western Pacific region.

5. Fishery Management Plan for Precious Corals

The FMP and its amendments treat precious coral beds as distinct management units because of their widely separated, patchy distribution and the sessile nature of individual colonies. The beds are classified as Established, Conditional or Refugia, with Federal permit and reporting requirements applicable to any directed harvest from waters of the Exclusive Economic Zone (EEZ) within the management area. Established beds are ones for which appraisals of Maximum Sustainable Yield (MSY) are reasonably precise. Conditional beds are ones for which estimates of MSY have been calculated. Refugia beds are areas set aside for baseline studies and possible reproductive reserves. No harvesting of any type is allowed in those areas.

The FMP and its amendments prohibit the use of non-selective gear (such as tangle nets or dredges) to harvest precious corals throughout the management area. Harvested corals under the FMP are managed by a quota system. Also prohibited is the harvest of live coral (coral with live polyps or tissue). The FMP and its amendments establish a procedure for re-designating coral beds from Exploratory to Conditional and from Conditional to Established as new beds are located and more catch and effort data become available that will allow more precise determinations of sustainable yields.

CHAPTER 4

ISSUES IDENTIFIED BY CONSTITUENTS

This chapter provides a summary of the issues presented by participants at the constituent sessions and provided electronically through email. The issues have been divided into national and regional topics. For this report, regional issues are issues that primarily affect the Western Pacific region.

Sessions of the 2003 NOAA fisheries constituent hearings for the Western Pacific region were held June 10th and 11th in Honolulu, Hawaii, in conjunction with a meeting of the Western Pacific Regional Fishery Management Council. These constituent sessions had 125 attendees, 24 of whom made presentations during the sessions. Seven e-mail messages were received from constituents from the Western Pacific region. The national issues identified by the Western Pacific constituents were divided into sixteen topics: aquaculture-marine; bycatch; councils; ecosystem management; economics, social and cultural issues; enforcement; essential fish habitat; infrastructure – land-based; management, Magnuson Stevens Act; marine mammals; marine protected areas; NOAA leadership; overcapitalization/rationalization; Pew Oceans Commission, National Commission on Ocean Policy; regulatory streamlining; and science/data/observations. Responses to these issues are summarized below:

NATIONAL ISSUES

National issues identified by constituents either at regional sessions or electronically, by topic in alphabetical order, are:

1. Aquaculture - Marine

- NOAA should provide incentives/assistance to state programs as well as small business loans, etc.
- NOAA has not been helpful in getting loans for aquaculture
- Open ocean aquaculture is now feasible and virtually pollution free
- Aquaculture operations need expensive shore side land/facilities as well as pens, etc.
- The Pew Ocean Commission report branded all aquaculture in a negative light
- Foreign imports continue to gain momentum and control pricing in U. S. markets

2. Bycatch, Bycatch Reduction

- Must reduce bycatch and bycatch mortality
- Excellent progress is being made in gear/technique modification
- US progress in gear technology needs to be exported to other countries
- Bycatch reduction is a great area for cooperative industry/government research

3. Councils

- Too many boats keep coming in council grants too many fishing permits
- Should be more balanced among commercial, recreational and subsistence

interests

- Must make the councils more representative of the areas that they manage
- Should always use science in making their decisions

4. Economic, Social and Cultural Issues

- Children in fishing families are not going into fishing as a profession
- Islanders are loosing their cultural values by not being allowed to fish as they
 have in the past
- Foreign crews are replacing Americans
- Teenager Nina Tran talked about personal hardship in Hawaii after the
 closure of the swordfish longline fishery there. Her father took his fishing
 vessel to California where he can only fish 6 months a year, causing
 economic hardships. She does not see her dad for eight months of each year
- Closures don't work in international waters they just hurt US harvesters,
 processors, and suppliers and disrupt fishing families
- Fishermen have spent 12 years in the swordfish industry before the closure then lost every customer overnight. Foreign sources filed the demand
- Subsistence, artesian fishing is important to culture of native communities and needs stronger consideration in management decisions
- Fish are not wasted every part is used
- Establish new management criteria based on broad economic impacts

5. Ecosystem Management

- Demonstration projects are a good idea
- Support/oppose Pew Commission report recommendations on ecosystembased management
- Manage for a sustainable ecosystem, not individual fish species

6. Enforcement

- Need more and better enforcement
- Need more severe penalties for some infractions
- Stop poaching by international fishers
- Help train agents in US territories

7. Essential Fish Habitat

- Draft Environmental Impact Statements (EIS) are long and unreadable
- Loosing Essential Fish Habitat (EFH) through economic development as well as fishing practices

8. Infrastructure – Land-based

- After investing in long-term space and facilities, fishery closures have made it difficult to meet commitments
- Open-ocean aquaculture needs shore-based support facilities

9. Management, Magnuson Stevens Act

- Council system has been an overall success
- Closures of international waters to US fishers is unfair foreign boats come in and catch the fish using worse techniques and gear – everyone is hurt because we loose the markets to foreign suppliers and endangered species and the fishery are not protected
- The Magnuson-Stevens Act should be revisited and revised recognizing its
 failures to be inclusive, to prevent catastrophic fisheries declines, and to
 include important economic sectors such as recreational fishing

10. <u>Marine Mammals</u>

Prevent U.S. Navy acoustical operations from harming dolphins and whales

11. Marine Protected Areas

- Establishment of protected areas has hurt fishing
- NOAA Fisheries and NOAA Sanctuaries should work together on fishing regulations in marine sanctuaries
- The council, not NOAA Sanctuaries should set fishing regulations in marine sanctuaries

12. NOAA Leadership

- Agency must be more transparent
- Bill Hogarth has been most communicative and best Assistant Administrator
- Bill Hogarth needs to, and can restore credibility and trust
- Need to look at big picture, including aquaculture
- NOAA Fisheries and councils need a vision for solving fisheries problems
- Need NOAA Fisheries' presence in Territories
- More help with disaster response
- Must include and educate the State Department in international fisheries
- Should utilize the outreach of sister organizations such as Sea Grant and sanctuaries
- Should work closer with sanctuaries managing fisheries in Marine Protected Areas (MPA)

13. Overcapitalization/Rationalization

- Regulate the fisheries for economics as well as fishing
- Councils must control access to fisheries
- Need Individual Fishing Quotas (IFQ) as a tool
- Social disruption in fishing communities with families leaving
- Too many boats, too many long-line permits, council needs to restrict access
- Get rid of permits that people are just sitting on

14. Pew Oceans Commission, National Commission on Ocean Policy

- Pew Oceans Commission is a bunch of ignorant environmentalists
- Pew is wrong on fisheries and on aquaculture
- Pew Commission report received too much press coverage
- NOAA fisheries should respond aggressively to Pew
- Pew lives up to its name

15. Regulatory Streamlining

- Will result in fewer lawsuits, but causes more work for the councils
- Process must be speeded-up

16. <u>Science/Data/Observations</u>

- NOAA leadership needs to support science more
- Need better data on recreational catch
- Need more money to collect recreational data
- Need better science, more stock assessments
- Need more cooperative research with industry industry needs help writing grants
- Councils sometimes do not use science in their decisions

- NOAA regional laboratories doing a good job
- Observers make more money than fisherman
- Every other boat has an observer on it

Regional Issues

Topics identified by the constituents, specific to the Western Pacific, are the following:

- Need a strong NOAA Fisheries presence in U. S. Territories
- Need more help with disaster relief in the Territories
- Too many boats keep coming in council is granting too many fishing permits
- Western Pacific Fisheries Management Council ignores everyone but the commercial fishing industry
- Foreign crews replacing Americans in Hawaii
- The federal government is illegally managing fishery resources that rightfully belong the descendants of subjects of the Hawaiian kingdom and agency should immediately return those resources to their rightful owners
- Need to stop all trawling on Pacific corals
- NOAA Fisheries and the Western Pacific Fishery Management Council have not complied fully with the Executive Orders establishing the Northwest Hawaiian Islands Coral Reef Ecosystem Reserve
- Fishers on Guam should be allowed to take some sea turtles
- Need to use special aid monies on projects that improve the economies of Western Pacific fisheries